

CIRCUIT COURT OF UNITED STATES TO BE ABOLISHED

DR. OLIVER DIES IN PHILADELPHIA WITH THE LODGES OF NEW MEXICO

The New Federal Judicial Code, Made Law at Last Session of Congress, Means Passing of Old Custom.

On March 1st interest to members of the bar and those who have business in the courts is the sweeping changes which will become effective on January 1, 1912, when the new federal judicial code passes into law just before the adjournment of the last session of congress.

In the excitement of the struggle to get the closing days of the sixtieth congress over in measure of more general interest the "Judicial code" was passed a law almost unnoticed.

Speaking of the failure of the news concerning the abolition of the circuit courts to gain general circulation, Attorney Paul Barth said today that he is of the opinion that many well known people, and among them a number of lawyers, have not yet been apprised of the facts regarding the new code.

The adoption of the judicial code by the United States was one of the most important actions of the last session of the last congress, important to the people and especially to the legal profession, said Mr. Barth today. It seems strange to me that anything so important as this should have escaped general notice.

The new code will become effective January 1 of next year. There are at the present time nine circuits in the United States. Each circuit has one or more circuit judges. A justice of the supreme court of the United States sits with the circuit judges, and, sometimes, three circuit judges sit together. The circuit courts exercise jurisdiction where the subject matter of litigation exceeds \$2,000, or where the United States is plaintiff or a party to the litigation, or where litigants are citizens of different states. Circuit courts have jurisdiction in cases of crimes against the federal government in some matters excepted by statute. The circuit courts have original jurisdiction in all matters relative to patents and copyrights and have appellate jurisdiction in cases tried in district courts of the United States where the amount involved is over fifty dollars.

Cases appealed to the circuit courts from New Mexico, are heard in St. Louis, and cases appealed from Arizona are heard in San Francisco.

The new judicial code, as framed by the commission to revise the laws, was a revision of the whole of the title "Judiciary" of the former revised statutes, but, as enacted, it contains only provisions relating to the organization and jurisdiction of the courts. All that relates to procedure and evidence, to officers not directly attached to the courts, to test, etc., is left for other parts of the general revision, mostly, it may be presumed, to be included in a code of procedure.

The one great change made is the entire abolition of the circuit courts. The appellate jurisdiction of those courts, having been taken away by the act of 1891 which created the circuit courts of appeals, then created, as the circuit judges have been almost wholly occupied in the later courts, the work of the circuit courts has devolved more and more on the district judges, who now, sitting alone, usually hold both circuit and district court, at terms appointed for the same time, at the same place. The superiority of the separate organization has become very apparent.

Another excellent feature of the new code is the revision of the laws relating to the judicial districts themselves. Since the districts as existing in 1873 were defined in the former revised statutes, acts of congress creating new districts and divisions of districts have accumulated, forming a very complicated series of provisions. These have been very carefully revised, and inconsistencies and discrepancies removed, and the 77 districts and their divisions, as now existing, have been described, and the territory included in each, where necessary, defined anew.

The acts thus creating new districts or designating new places for holding courts usually provide where seats of a local nature shall be brought, where process shall be served, where prosecutions for crime shall be instituted, when and how cases may be removed from one division to another, how pending cases are to be disposed of after the division is established, when and from what places juries are to be drawn, and for various other matters of legal procedure. These provisions, of merely local application and varying in detail, though for similar purposes, have all been eliminated, and their place supplied by general provisions covering all such subjects, and applicable to future changes. This will not only establish uniformity of practice throughout the country, but will make it unnecessary in the future to insert, in bills making new divisions, etc., in districts, etc., any provisions for such details.

The new code is based on the report of the commissioners to revise the laws of the state at present, which gives to a convenient jurisdiction of most cases, next to such exclusive jurisdiction, respectively, of certain other cases, leaving room for a cause of perplexity and confusion. The removal of this difficulty and elimination of all procedure in the first instance in a single trial will be welcome to litigants and lawyers.

To the general public and to the government, in the administration of justice, the simplification of organization will be very beneficial. We have now 77 judicial districts, in most of which divisions have been created, or two or more places designated for holding court, so that courts are required to be held in some 218 different places. In each district, division there is necessarily maintained the complete organizations of both a circuit court and a district court, with all the officers and equipments requisite for holding court in all the places designated. This expensive duplication of judicial machinery will cease, and the conduct of judicial business in a district by a single court should be more efficient and consistent, as well as more economical.

This change might well have been made in 1891, as was proposed, when

Noted Physician Who Was in Albuquerque Some Weeks Ago, Guest of Dr. J. H. Wroth, Passes Away.

Notes of Interest of the Many Happenings Among the Fraternal Bodies of the Territory.

Charles Augustus Oliver, an ophthalmologist of distinguished records, who was in Albuquerque for two days in March of this year, the guest of Dr. J. H. Wroth, a ophthalmologist in Philadelphia April 8. Dr. Oliver was the guest of a number of his medical friends in the Alamo band and several hundred citizens of the Alamo band here on March 14. Dr. Wroth, from the friends. The journal of the American Medical Association of "Ophthalmo" this week contains the following notice regarding the passing of Dr. Oliver:

Charles Augustus Oliver was a native of Cincinnati but went to Philadelphia when a child, pursued his medical studies at the University of Pennsylvania, and was graduated from the medical department of that institution in 1878. He was a member of the American Medical Association, American Association for the Advancement of Science, American Philosophical Society, and American Ophthalmological Society, and was an active member of corresponding societies of many other medical and scientific societies in this country and abroad. He was attending surgeon to the Wills Eye Hospital, ophthalmologist to the Presbyterian Hospital, and consulting ophthalmologist to the Friends Hospital for the Insane and the State Hospital for the Chronic Insane. He was a prolific writer on his specialty, coauthor with Dr. Norton on the "Textbook of Ophthalmology," and author of several books and monographs on ophthalmology. He was a fellow of the Philadelphia College of Physicians and founder of the Wills Eye Hospital ophthalmic society. He was made associate clinical professor of ophthalmology in the Woman's Medical College of Pennsylvania, Philadelphia, in 1887, and later was made clinical professor in that institution. Dr. Oliver has suffered from nephritis about three years.

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WASH THOSE PIMPLES OFF

The D. D. D., that mild soothng wash that recognized record for Eezing and all skin troubles. First drops take away that gash burning itch, cleanse the skin—wash away every impurity. Naming the D. D. D. for the complexion.

Get a 25c trial bottle—wash worth twice its cost to have a bottle in the house. At any rate, drop in our store to take over the merits of this wonderful prescription.

J. H. O'RIELLY CO.

complains. In their house the city was handsomely decorated with the colors and emblems of Masonry.

Alamogordo, N. M., April 27.—Thursday night the social club of Alamogordo assembled at the same courthouse at 10 p. m. on May 3, and adjourned at 11 o'clock. The occasion was the election of Governor M. H. Chapman, president of the board of county commissioners and Henry F. Stephens of the local name. Resolutions will be read from several delegates. There will be about a half hundred delegates from as many local camps, scattered over the territory, and in addition to formation of a territorial organization a delegate and alternate will be elected to represent New Mexico at the national gathering at Buffalo in June. The general committee having matters to charge announced the following local committees:

Arrival of delegates: Messrs. Bowditch, Spain, McBrady, Lutz, Steppen, Keefe, Koenig, Mandel, Whittemore, Riesing and Littman. Dissertations and Judges: Messrs. Bowditch and Koenig. Reception: Mr. Pankey, Messmates Koenig, Hartney, Whittier, Littman and Messrs. Stephens, Marley, Cheadle and Crandall. Entertainment and music: Messrs. McFarland and Asplund and Mrs. Robinson. Auto ride: Messrs. Davis, Roll and Littman. Refreshments: Messmates Friday, Lutz, Rosing, Messes. Bowditch and Robinson. Class adoption: Messrs. King, Whittier, Bowditch. Press and advertising: Messrs. Whittier, Friday and Littman.

The paint dealers have announced a general increase in the price of mixed paints and the ingredients that are used in the manufacture of paint. The advance in prices is due directly, they say, to the shortage in the supply and the increase in the demand. However, they say that paint may be cheaper at any time for the prices are fluctuating, and that they themselves can not say what the price may be tomorrow.

The following is a schedule of prices at this time of the year compared with last year:

Spring 1910	Spring 1911
per gal.	per gal.
Lined oil.....\$.65	\$.65
Turpentine.....\$.25	.40
White Lead.....\$.075	.08
Mixed Paints.....\$.45	.25

This table will probably cause many of the housewives to give up the idea of painting the interior of the house this spring.

The increase is due chiefly to the fact that the waxseed crop was almost a total failure last year," A. M. Hughes, president of the Hugh Brothers Paint and Hardware company, said yesterday. "However, the prices of paints and materials may go down at any time, as this year's crop is now coming in. The turpentine supply is also low and the other things cost the wholesaler more right now. That's why the retailer is charged more."

It will cost you about 25 per cent more to cover those weatherboards with bright new colors than it did last year—that is, if you buy the paint and have the work done at this time.

A large class of candidates was

introduced into the Knights of Columbus Sunday afternoon at a special meeting of Las Vegas council No. 894, which was held in the Fraternal Brotherhood hall on Fountain square.

O. N. Marion of Albuquerque, district deputy grand knight, had charge of the work. The candidates were given the three degrees of the order. Prominent Knights of Columbus from Albuquerque, Santa Fe, Raton and other parts of the territory were here to attend the initiation. Candidates from some of those cities were present also to receive all or part of the degree work according to their rank.

The semiannual reunion of the Scottish Rite Masons of New Mexico is now in progress in Santa Fe. Las

Vegas men who have attended the reunion are Dr. William P. Mills, M. F. Williams, Gilbert Rosenwald and F. L. Myers.

Las Vegas Masons have received an invitation to attend the dedication of the new Masonic temple in Trinidad, Colo., which will take place in the near future. The building is a handsome three-story structure with business rooms on the lower floor. Lodge and banquet halls are on the second and third floors. Elaborate programs showing pictures of the building have been sent Las Vegas members of the fraternity, some of whom are planning to go to Trinidad to attend the dedication.

Silver City, N. M., April 27.—There was a regular session of Silver City Lodge of Elks Wednesday evening April 18. Balloting for candidates and other important business was transacted. Thursday evening, April 26, was ladies night at the club. Mrs. M. W. Porterfield was hostess. Mrs. Porterfield had arranged for an exceptionally good musical and literary program. There were the usual dancing and cards.

The entertainment was held in the opera house instead of the club. All Elks and their ladies were present. Program as follows:

Violin solo, "Ave Maria," Lorraine Walton.

Soprano solo, "Good Night, Dear Heart," Elizabeth Barbour, Mrs. Shirton.

Reading selected, Mrs. Cox, Piano solo, "Fifth Nocturne," Bach; Miss Inn Marriott.

Soprano solo, Miss Forsythe.

On Thursday morning was held the annual meeting of the Silver City Elks association. The following directors were elected: W. H. Newcomb, W. D. Murray, C. W. Marriott, Frank P. Jones, C. C. Shoemaker, H. H. Betts and W. B. Walton. The board of directors organized by electing the following officers: W. H. Newcomb, president; H. H. Betts, secretary, and Frank P. Jones, treasurer. The reports of the secretary and treasurer were read and showed the business of the association to be in excellent shape.

SATURDAY NIGHT DANCES
J. J. Votaw, Manager.

ODD FELLOWS HALL.

Gentlemen 50 cents; Ladies Free.

Good Floor, Good Music.

Questionable Characters Not Admitted.

of the time, though no oil declines have occurred lately. There is 12,000 acres today, market steady to 10 lower, most of the wood lands at \$5.80 to \$5.95, clipped lands worth around \$5.20, wooden springs today at \$5.10, waters worth \$14.50, over \$12.20 for tops. The low price of wood and the poor outcome for same, is working against prices. In former years a good deal of stuff was bought here at this season, taken to Illinois and clipped, but this business is small this year. Texas brushwood goals are available at \$2.00 to \$2.25.

Kansas City Livestock.

Kansas City, Mo., April 27.—Cattle receipts 7,000 including 200 southern, steady to strong; native steers, \$4.00-\$4.15; southern steers, \$3.25-\$3.50; southern cows and heifers, \$3.00-\$3.15; stockers and feeders, \$3.15-\$3.75; bulls, \$4.00-\$4.50; calves, \$4.00-\$4.50; western steers, \$4.00-\$4.25; bulls, \$4.00-\$4.10; calves, \$4.00-\$4.25; western cows, \$4.00-\$4.25.

Hogs—Receipts 10,000, strong bulk, \$3.00-\$3.15; heavy, \$3.00-\$3.15; packers and butchers, \$3.00-\$3.15.

Sheep—Receipts 9,000, steady to weak, mutton, \$2.40-\$2.60; lamb, \$2.40-\$2.60; red wethers and yearlings, \$2.80-\$3.00; red western ewes, \$3.40-\$4.00.

St. Louis, Mo., April 27.—Wool unchanged; territory and western medium, 15.50-17.50; fine medium, 15.50-17.50; fine, 15.50-17.50.

New York Stocks.

New York, April 27.—Call money, 2 1/4-2 1/2 per cent.

Prime mercantile paper, 3 1/2-4 per cent.

Mexican dollars, 45c.

Almacardos, 82.

Sugar, 127 1/2.

Atchison, 199-204.

Great Northern preferred, 125 1/4.

New York Central, 104-114.

Northern Pacific, 122 1/2.

Reading, 154-158.

Southern Pacific, 113-128.

Union Pacific, 125.

Steel, 72-74.

Steel preferred, 119 1/2.

New York, N. Y., April 27.—Lead dull, \$4.40-\$4.50.

Standard copper, weak, spot \$13.60.

10.11-10.12; May, \$11.85-\$11.75.

Silver, 54.

Chicago Crops.

Chicago, Ill., April 27.—Wheat,

90-104; July, 86-88 1/2.

Corn—May, 51 1/2-53 1/2; July, 52 1/2-54 1/2.

Oats—May, 34 1/2; July, 33 1/2.

Pork—May, blank.

Pork—May, July, 334.97-35.00.

15.00.

Lard—May, \$8.95; July, \$8.15-8.30.

8.17 1/2.

Rib—May, \$8.17 1/2; July, \$8.20.